

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARK I. SOKOLOW, *et al.*,

Plaintiffs,

vs.

THE PALESTINE LIBERATION
ORGANIZATION, *et al.*,

Defendants.

No. 04 Civ. 00397 (GBD) (RLE)

**DECLARATION OF KENT A. YALOWITZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR DISCOVERY SANCTIONS**

KENT A. YALOWITZ hereby declares:

1. I am a member of the bar of this Court and of the law firm of Arnold & Porter LLP, counsel for the plaintiffs in the above-captioned action. I submit this declaration to provide documents in support of plaintiffs' motion for discovery sanctions.

2. Attached to this declaration as Exhibit A are true and correct copies of the following discovery materials:

EXHIBIT A (tabs below)	Description
A.1	The Bauer Plaintiffs' Third Request to Produce Documents and Things, dated November 21, 2012.
A.2	The Blutstein, Carter, Coulter and Gritz Plaintiffs' Second Request to Produce Documents and Things, dated November 21, 2012.
A.3	The Goldberg Plaintiffs' Request to Produce Documents and Things, dated November 21, 2012.
A.4	The Gould and Waldman Plaintiffs' Second Request to Produce Documents and Things, dated November 21, 2012.
A.5	The Guetta Plaintiffs' Third Request to Produce Documents and Things,

	dated November 21, 2012.
A.6	The Mandelkorn Plaintiffs' Second Request to Produce Documents and Things, dated November 21, 2012.
A.7	The Sokolow Family Plaintiffs' Second Request to Produce Documents and Things, dated November 21, 2012.
A.8	Defendants' Objections and Responses to the Bauer Plaintiffs' First Request to Produce Documents and Things, dated April 23, 2012.
A.9	Defendants' Objections and Responses to the Blutstein, Carter, Coulter and Gritz Plaintiffs' First Request to Produce Documents and Things, dated April 23, 2012.
A.10	Defendants' Objections and Responses to the Gould and Waldman Plaintiffs' First Request to Produce Documents and Things, dated April 23, 2012.
A.11	Defendants' Objections and Responses to the Guetta Plaintiffs' First Request to Produce Documents and Things, dated December 1, 2011.
A.12	Defendants' Objections and Responses to the Guetta Plaintiffs' Second Request to Produce Documents and Things, dated December 5, 2011.
A.13	Defendants' Objections and Responses to the Mandelkorn Plaintiffs' First Request to Produce Documents and Things, dated April 30, 2012.
A.14	Defendants' Objections and Responses to the Sokolow Plaintiffs' First Request to Produce Documents and Things, dated May 29, 2012.
A.15	Defendants' Supplemental Privilege Log
A.16	Comparison of Redacted and Un-redacted GIS Document Regarding Mazen Freitakh
A.17	Comparison of Redacted and Un-redacted GIS Document Regarding Ahmed Salah.

3. Attached to this declaration as Exhibit B is a true and correct copy of the following declaration:

EXHIBIT B	Declaration of Arie Dan Spitzen, dated August 27, 2013.
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4. Attached to this declaration as Exhibit C are true and correct copies of the following correspondence:

EXHIBIT C (tabs below)	Description
C.1	Letter from B. Hill to Judge Ellis, dated August 13, 2013.
C.2	Letter from K. Yalowitz to B. Hill, dated December 20, 2013.
C.3	Letter from B. Hill to Judge Ellis, dated March 27, 2014.
C.4	Email from R. Tolchin to R. Hibey, dated February 19, 2013.

5. Attached to this declaration as Exhibit D is a true and correct copy of the following declaration:

EXHIBIT D	Declaration of Prime Minister Salam Fayyad, dated October 30, 2007.
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6. Attached to this declaration as Exhibit E is a true and correct copy of the following declaration:

EXHIBIT E	Declaration of Majed Faraj, dated May 23, 2013.
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7. Attached to this declaration as Exhibit F is a true and correct copy of excerpts from the following deposition transcript:

EXHIBIT F	Excerpts from the Deposition Transcript of Mosaab Yousef, dated January 10, 2012.
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8. Attached to this Declaration as Exhibit G are true and correct copies of excerpts from the following expert reports:

EXHIBIT G (tabs below)	Description
G.1	Excerpts from the Expert Report of Alon Eviatar, dated June 14, 2013.
G.2	Excerpts from the Expert Report of Itamar Marcus, dated March 22, 2013.
G.3	Excerpts from the Expert Report of Israel Shrenzel, dated April 10, 2013.

9. Attached to this declaration as Exhibit H is a true and correct copy of the following document:

EXHIBIT H	“Force 17 Terrorist Mohand Said Muniyer Diriya,” March 5, 2002, Israel Ministry of Foreign Affairs (<i>Gilmore et al. v. PA et al.</i> , No. 1:01-cv-00853-GK, DE 333-20)
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10. Attached to this declaration as Exhibit I are true and correct copies of the following plaintiffs’ trial exhibits:

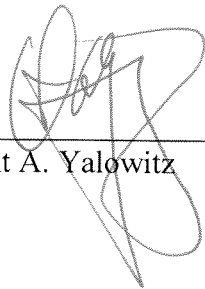
EXHIBIT I (tabs below correspond to trial exhibit numbers)	Plaintiffs’ Designated Trial Exhibits
I.2	Document with Bates number D 02: 004473-4475.
I.3	Document with Bates number D 02: 004476-4478.
I.4	Document with Bates number D 02: 004479-81.
I.14	Document with Bates number D 02: 006034.
I.36B	Document with Bates number D 02: 008957-60.
I.36C	Document with Bates number D 02: 008961-66.
I.44	Document with Bates number D 02: 008994-8995.
I.58	Document with Bates number D 02: 009046.
I.83	Document with Bates number D 02: 009305-9343.
I.91	Document with Bates number D 02: 009416.
I.112	Document with Bates number D 02: 009545.
I.113	Document with Bates number D 02: 009546.
I.118	Document with Bates number D 02: 009576-9623.
I.129	Document with Bates number D 02: 009866-9870.
I.131	Document with Bates number D 02: 009879-9886.
I.132	Document with Bates number D 02: 009887-9888.

EXHIBIT I (tabs below correspond to trial exhibit numbers)	Plaintiffs' Designated Trial Exhibits
I.137	Document with Bates number D 02: 009907-9908.
I.139	Document with Bates number D 02: 009917.
I.141	Document with Bates number D 02: 009920-9923.
I.145	Document with Bates number D 02: 009942.
I.147	Document with Bates number D 02: 009945-9951.
I.148	Document with Bates number D 02: 009952-9954.
I.155	Document with Bates number D 02: 009973-9975.
I.156	Document with Bates number D 02: 009976-9987.
I.157	Document with Bates number D 02: 009988-9993.
I.163	Document with Bates number D 02: 010026-10029.
I.164	Document with Bates number D 02: 010030-10038.
I.233	Document with Bates number P 1: 554.
I.247	Document with Bates number P 11-3: 233-235.
I.260	Document with Bates number P 2: 145-48.
I.295	Document with Bates number P 2: 314-316.
I.313	Document with Bates number P 2: 52-58.
I.317A	Document with Bates number P 3: 1-18.
I.317C	Document with Bates number P 3: 20-25.
I.321	Document with Bates number P 3: 30-39.
I.334	Document with Bates number P 3: 82-96.
I.336	Document with Bates number P 4: 20-23.
I.337	Document with Bates number P 4: 24-25.
I.339	Document with Bates number P 4: 35-39.
I.340	Document with Bates number P 4: 40-47.
I.353	Document with Bates number P 5: 157-158.

EXHIBIT I (tabs below correspond to trial exhibit numbers)	Plaintiffs' Designated Trial Exhibits
I.359	Document with Bates number P 5: 210-17.
I.360	Document with Bates number P 5: 218-35.
I.361	Document with Bates number P 5: 236.
I.364	Document with Bates number P 5: 281-288.
I.371	Document with Bates number P 5: 320-324.
I.377	Document with Bates number P 5: 44-48.
I.384	Document with Bates number P 6: 11-30.
I.426	Document with Bates number P 7: 100-15.
I.464	Document with Bates number P 7: 7-14.
I.492	Human Rights Watch, "Erased in a Moment: Suicide Bombing Attacks Against Israeli Civilians" (2002).
I.559	Israel Ministry of Foreign Affairs, Israel Security Agency (ISA) and IDF forces arrested terrorists suspected of shootings (January 26, 2001).
I.616	Israel Ministry of Foreign Affairs, "Statement of Indictment: Marwan Bin Khatib Barghouti" (August 14, 2002).
I.880	Defendants' Objections & Responses to the Sokolow Family Plaintiffs' First Set of Interrogatories.
I.897	Document with Bates number D 02: 009629-9630.
I.1032	Document with Bates number D 02: 010217-18.
I.1038	Document with Bates number D 02: 010253-56.
I.1052	Document with Bates number P 1: 4479-4483.
I.1060	Document with Bates number D 02: 010270 .

11. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
May 15, 2014



Kent A. Yalowitz